

Message Text

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ACTION SCS-03

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FM AMEMBASSY ALGIERS

TO SECSTATE WASHDC 5899

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E.O. 11652: N/A

TAGS: CASC, AG

SUBJECT: U.S. PRISONERS

1. DISCUSSED GOA AMNESTY OF AMERICAN PRISONERS WITH FOREIGN MINISTRY SEC GEN BENHABYLES DURING FEBRUARY 10 FAREWELL CALL. EXPRESSED THANKS FOR COMMUTATION OF THE ONE DEATH SENTENCE TO LIFE IMPRISONMENT AND FOR FIVE YEAR REDUCTION IN SENTENCES OF OTHER AMERICANS. I NOTED, HOWEVER, THAT RESULT OF THIS AMNESTY WAS THAT NO AMERICANS HAD BEEN RELEASED WHILE ALL OTHER COUNTRIES HAD HAD AT LEAST ONE PRISONER RELEASED. WE REALIZED THAT LOGIC OF DECISION WAS BASED ON PRINCIPLE THAT NO PRISONER WITH MORE THAN TEN YEARS SENTENCE WOULD BE RELEASED. A MAURITIAN OF BRITISH NATIONALITY, HOWEVER, HAD BEEN RELEASED ALTHOUGH HE HAD BEEN SENTENCED TO 15 YEARS. I HAD IMPRESSION AMERICANS BEING DISCRIMINATED AGAINST. IN PARTICULAR, TWO OF OUR PRISONERS HAD HAD THEIR ORIGINAL FOUR YEAR SENTENCES RAISED TO TEN YEARS ON APPEAL.

2. BENHABYLES ASSURED ME THAT THERE HAD BEEN NO DISCRIMINATION AGAINST AMERICANS. MAURITIAN WAS SPECIAL CASE, BEING RELATIVE OF FOREIGN MINISTER, WHO HAD ASSUMED FULL RESPONSIBILITY FOR HIM. PRISONER HAD APPARENTLY GOTTEN INTO AFFAIR BY MISTAKE. HE WAS CONFIDENT THAT JUDICIAL PROCESS HAD BEEN FAIR. IN DISCUSSING AMNESTY GOS HAD HAD TO DEAL WITH

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SENTENCES WHICH HAD BEEN PASSED DOWN BY JUSTICE. HE STRESSED THAT GOA TOOK DRUG MATTERS VERY SERIOUSLY AS DRUGS POSED SERIOUS DANGER TO SOCIETY AND NOTED THAT SINCE DRUGS WHICH WERE SEIZED WERE DESTINED FOR US WE SHOULD ALSO TAKE MATTER VERY SERIOUSLY.

3. I RESPONDED THAT WE DID INDEED TAKE DRUG MATTERS VERY

SERIOUSLY BUT THAT WE ALSO TOOK SERIOUSLY OUR RESPONSIBILITIES
TO AMERICANS IN JAIL.

4. DIRECTOR EUROPEAN AND AMERICAN AFFAIRS, ABERKANE, WHO
PRESENT, INTERJECTED THAT JAY SALBY, CONVICTED TERRORIST, WAS
ONLY PRISONER OF HIS GROUP WHO HAD HAD HIS SENTENCE COMMUTED
FROM DEATH TO LIFE. THIS WAS EXCEPTIONAL FAVOR BESTOWED ON
AMERICANS. I SAID WE VERY GRATEFUL FOR THIS AND HOPED
ALGERIANS WOULD SHOW FURTHER EVIDENCE OF DISCRIMINATION IN
OUR FAVOR WITH REGARD DRUG PRISONERS. BENHABYLES REMARKED THAT
EVERY AMBASSADOR IN TOWN HAD COMPLAINED THAT HIS NATIONALS
HAD BEEN DISCRIMINATED AGAINST UNDER AMNESTY DECISION.
FRENCH, GERMAN, SWISS (WHO HAD JUST BEEN IN) HAD ALL COMPLAINED.
IN FACT, DECISIONS TAKEN ON MERITS OF CASE, NOT ON BASIS
NATIONALITY. I BELIEVE HIM.

5. COMMENT: I HAVE ASKED MY CONSULAR SECTION TO REVIEW
CLOSELY RELATIONSHIP BETWEEN SENTENCES GIVEN AND SERIOUSNESS
OF OFFENSES IN 1975 DRUG TRIAL TO SEE WHETHER THERE HAS IN
FACT BEEN DISCRIMINATION AGAINST AMERICANS. IT IS OUR
IMPRESSION, HOWEVER, THAT THEY GOT STIFFER SENTENCES BECAUSE
THEY WERE MORE HEAVILY INVOLVED.

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